

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 1, 2005

H028392 In re BEYONCE P.; SANTA CRUZ CO. HUMAN RESOURCES AGENCY
v. FELICIA P.

The order denying Felicia's section 388 petition is
affirmed. The judgment terminating parental rights is affirmed.
(not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 1, 2005

H028163 PEOPLE v. PEDRO T.

The judgment is modified to strike imposition of the \$20
court-security fee. As so modified, the judgment of wardship is
affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 1, 2005

H027451 PEOPLE v. VASQUEZ

The superior court is directed to modify the abstract of
judgment to reflect that the section 1202.4 subdivision (f)
victim restitution of \$30,220 ordered in case No. SS032175 is
imposed jointly and severally with respect to defendant, Ramiro
Vega and Miguel Rincon. The court shall forward a certified copy
of the corrected abstract of judgment to the Department of
Corrections. As so modified, the judgment is affirmed. (not
published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.)

Filed August 1, 2005

H026556 THOMPSON v. MITCHELL, GINGERICH, LOQUACI & EICHENBAUM,
et al.

The judgment is affirmed. The order awarding \$20,000 in
attorney's fees to Mitchell is stricken. The parties shall bear
their own costs on appeal. (not published)

(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)

Filed August 1, 2005

TUESDAY, AUGUST 2, 2005

H028041 PEOPLE v. STEWART

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 2, 2005

Sixth Appellate District

San Jose, California

Tuesday, August 2, 2005 (continued)

H026888 CITY OF KING v. COMMUNITY BANK OF CENTRAL CALIFORNIA

H027166 CITY OF KING v. COMMUNITY BANK OF CENTRAL CALIFORNIA

In No. H026888, the judgment is reversed with directions to deem Bank's demurrer to the petition a motion to strike all allegations alleging a right to, or praying for, a writ of mandate, and to grant said motion with leave to amend. In No. H027166, the order awarding attorney fees is reversed. Appellant Bank will recover its costs on appeal. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 2, 2005

H027806 PEOPLE v. FERRIS

The judgment is reversed and the matter is remanded for the limited purpose of further proceedings as to the section 12022, subdivision (b)(1), enhancement allegation. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed August 2, 2005

H027662 MARRIAGE OF MICHAEL AND JOANNA ZIMMERMAN

The spousal support order included in the supplemental judgment of dissolution of marriage, filed August 12, 2004, and the order regarding a medical trust account, filed May 3, 2004, are affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed August 2, 2005

WEDNESDAY, AUGUST 3, 2005

H028098 PEOPLE v. CORTEZ

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 3, 2005

H027546 TAGUINOD, et al. v. NORTH AMERICAN VAN LINES, et al.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed August 3, 2005

Sixth Appellate District

San Jose, California

Wednesday, August 3, 2005 (continued)

H028164 SERVICE EMPLOYEES INTERNATIONAL UNION LOCAL 715, AFL-CIO
v. CUPERTINO UNION SCHOOL DISTRICT, et al.

The only conclusion that we may draw from the undisputed facts presented below is that Union did not waive its right to arbitrate the grievance. Accordingly, the order denying Union's petition to compel arbitration is reversed. (published)

(Duffy, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed August 3, 2005

THURSDAY, AUGUST 4, 2005

H027731 PETERSON v. SAYER

The order after hearing (filed July 14, 2004) is affirmed
(not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 4, 2005

H027356 PEOPLE v. MURPHY

The judgment of the trial court is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 4, 2005

H028386 SANTA CRUZ COUNTY HUMAN RESOURCES AGENCY v. CRYSTAL K.

The cause herein is ordered submitted.

Dated: August 4, 2005 ELIA, Acting P.J.

H026710 PEOPLE v. HEANG et al.

The parole-revocation fines are ordered stricken. The clerk of the superior court is directed to prepare a corrected abstract of judgment and transmit it to the Department of Corrections. In all other respects, the judgments are affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 4, 2005

H027621 PEOPLE v. GARCIA

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 4, 2005

H028314 In re DAVID M., et al.; D.F.C.S. v. DWAYNE M.

The order appealed from is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed August 4, 2005

Sixth Appellate District

San Jose, California

Thursday, August 4, 2005 (continued)

H028225 In re ESTRELLA L., et al.; SANTA CRUZ HRA v. CRESENCIANO L.

The orders are affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed August 4, 2005

H028640 PEOPLE v. KATIE C.

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed August 4, 2005

H026399 PEOPLE v. KUS

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed August 4, 2005

H028191 PEOPLE v. LADD

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 4, 2005

H026759 SILICON VALLEY TAXPAYERS ASSOCIATION, INC., et al. v. SANTA CLARA COUNTY OPEN SPACE AUTHORITY
By the Court*:

Appellants' petition for rehearing is denied.
Filed: August 8, 2005
*Before Premo, Acting P.J., and Walsh, J.**. Bamattre-Manoukian, J., would grant rehearing.
(**Judge of the Santa Clara County Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution).

FRIDAY, AUGUST 5, 2005

H027801 PEOPLE v. MCMILLEN

(Filed order modifying opinion.) There is no change in the judgment. (not published)
(McAdams, J.; Mihara, Acting P.J.)
Filed August 5, 2005

Sixth Appellate District

San Jose, California

Friday, August 5, 2005 (continued)

H026580 PEOPLE v. DANIELS

The judgment is reversed. The matter is remanded for retrial of the prior-robbery enhancement allegations, if the prosecutor elects to do so. Regardless of the prosecutor's election and the outcome of any retrial of the prior-robbery enhancement allegations, the trial court on resentencing shall account for the one prior-robbery enhancement finding that has been implicitly upheld on this appeal. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed August 5, 2005

H026716 PEOPLE v. BROWNING

By the Court*:

Respondent's petition for rehearing is denied.
Filed: August 5, 2005
*Before Rushing, P.J. and Premo, J.

H027559 PEOPLE v. WATSON

H028398 PEOPLE v. WHITE

H027300 PEOPLE v. GARRETT

H027702 PEOPLE v. McMORROW

H027813 PEOPLE v. PATTERSON

H027624 PEOPLE v. ROMERO

The cause herein is ordered submitted.

Dated: August 5, 2005 RUSHING, P.J.

H028176 PEOPLE v. ARMENDARIZ

The cause herein is ordered submitted.

Dated: August 5, 2005 PREMO, Acting P.J.

H028182 PEOPLE v. BROCKINGTON

H028199 PEOPLE v. MONTEZ

H027946 PEOPLE v. PEREZ

H028072 PEOPLE v. NUNEZ

H028455 ZIPPERER, et al. v. COUNTY OF SANTA CLARA

H028101 VITRO AMERICA, INC. v. SHING

The cause herein is ordered submitted.

Dated: August 5, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

H028854 FATMATA S., et al. v. SUPERIOR COURT DFCS

H028497 DFCS v. KATHLEEN P.

The cause herein is ordered submitted.

Dated: August 5, 2005 BAMATTRE-MANOUKIAN, Acting P.J.

Sixth Appellate District

San Jose, California

Friday, August 5, 2005 (continued)

H028398 PEOPLE v. WHITE

The judgment is modified to strike the \$200 probation-revocation fine. As so modified, the judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed August 5, 2005

H026857 MICELI v. CALIFORNIA DEPARTMENT OF TRANSPORTATION

Respondent's request for publication of the opinion filed July 6, 2005, is denied as the opinion does not meet the criteria as outlined in rule 976(c) of the California Rules of Court. The clerk of this court is directed to forward a copy of this order, the original request, and a copy of the opinion in this matter to the California Supreme Court.

(Mihara, Acting P.J. and McAdams, J. participated in this decision.)

Filed August 5, 2005